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DEPUTY ASSISTANT SECRETARY FOR
HUMAN RESOURCES MANAGEMENT AND LABOR RELATIONS
WASHINGTON DC 20420
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HUMAN RESOURCES MANAGEMENT LETTER NO. 05-06- 06

**Instructions for Implementing Policy Changes
Related to the Implementation of Section 301
"Modification of Authorities on Appointment and Promotion of Personnel
in the Veterans Health Administration
Under Public Law 108-170, "Veterans Health Care,
Capital Asset and Business Improvement Act of 2003,"
December 6, 2003.**

1. Purpose: This Human Resources Management Letter (HRML) provides guidance and instructions for implementing policy changes related to provisions of the above legislation.

2. Background: Section 301 of the above legislation authorized the employment of certain occupations in Veterans Health Administration (VHA) under the Hybrid Title 38 employment system. HRML 05-04-02, dated March 17, 2004, issued interim instructions for implementing Section 301 while VA developed long term policies and met its labor relations obligation. The long term policies have been developed and were released on June 15, 2006, in VA Handbook 5005/17, Staffing. These new and revised policies will affect employees in first generation (pre existing) hybrid occupations and those in the second generation (new) hybrid occupations listed in Attachment A. Some changes, particularly those in Part II, Chapter 3, Section C, and Part III, Appendices J, K, L, and M, also pertain to full title 38 employees. The implementing procedures contained in this HRML must be completed in order to successfully transition to using the new policies.

3. Discussion:

**a. First Generation Hybrid Employees and Implementation of New Policies
Related To P.L. 108-170.**

(1) Some of the policy changes related to P.L. 108-170 affect the structure of current professional standards boards for first generation hybrid occupations. Veterans Health Administration (VHA) program offices are reviewing these policies to determine what changes will be required and the implementation activities needed to implement the changes for first generation hybrid occupations. Once the program office of a first generation hybrid occupation has made these determinations, they will inform local facilities of the required implementation activities for that occupation. The program office must ensure that all implementation activities are completed for their respective occupation by September 30, 2006.

b. Second Generation Hybrid Employees and Implementation of New Appointment and Promotion Policies Related To P.L. 108-170.

(1) The policies in VA Handbook 5005/17 apply to employees who occupy, or who will occupy, a second generation hybrid position as of September 30, 2006. The new policies contain changes to appointment procedures, qualification requirements, promotions, and advancements of employees in second generation hybrid occupations. Certain implementation activities must be completed before the policies can be used. These implementation activities include: establishing professional standards boards for second generation hybrid occupations; training professional standards board members; and initial special boarding of second generation hybrid employees using the new qualification standards and advancement criteria. All implementation activities will be completed by no later than September 30, 2006. Please note that the new policies related to the structure and composition of professional standards boards (PSBs) will be used to establish PSBs for second generation hybrid occupations. (See paragraph 3.c below.) Beginning on October 1, 2006, the policies and guidance on appointments, promotions, and advancements of hybrid employees contained in VA Handbook 5005/17, Staffing, will apply to all employees in second generation hybrid occupations except Social Worker and Blind Rehabilitation Specialist.

(2) Necessary changes to the qualification standards of Social Worker and Blind Rehabilitation Specialist are still under development and subject to labor relations obligations. Employees in these two occupations, Social Worker and Blind Rehabilitation Specialist, will be covered by the interim measures of HRML 05-04-02 and HRML 05-05-03 until new qualification standards are issued; labor relations obligations are met; and employees in those occupations receive initial special boarding under the new qualification standards.

(3) Until October 1, 2006, facilities are precluded from using the new qualification standards and policies and must use the interim procedures contained in HRML 05-04-02, and HRML 05-05-03, August 12, 2005, for the appointment and promotion of employees to positions in second generation hybrid occupations. Facilities should continue to use the interim procedures of HRML 05-04-02 and HRML 05-05-03 in conjunction with the old qualification standard to appoint and promote employees to positions in second generation hybrid occupations through September 30, 2006. Anyone appointed under the interim procedures will be subject to initial boarding as described in paragraph 3.e. below.

c. Establishment of Professional Standards Boards.

(1) Professional Standards Boards (PSBs) play an integral role in the appointment and promotion of Title 38 Hybrid employees. PSBs are designated to be convened at the Facility, VISN, Regional and/or National levels. The organizational locations of PSBs will vary among the different hybrid occupations. A complete list of the organizational locations of PSBs for all hybrid occupations is available in VA Handbook 5005, Part II, Appendix II-O.

(2) Employees in second generation occupations have been appointed to PSBs at the Regional and National levels. After completing training requirements, members of Regional and National PSBs will perform the initial special boarding of all employees in occupations designated for review by PSBs at the Regional or National level.

(3) Facilities and Veterans Integrated Service Networks (VISN) must appoint employees to Facility and VISN PSBs for occupations that have designated PSBs at the facility or VISN level in accordance with VA Handbook 5005, Part II, Appendix II-P. (During the period of initial special boarding only, employees who have received initial special boarding may be appointed as a PSB member.) After completing training requirements, the Facility and VISN PSBs must complete initial special boarding of all employees assigned to PSBs at the Facility and VISN levels. Facility and VISN PSBs must complete initial special boarding of current employees by September 30, 2006.

d. Correction of Classification Errors of Positions in the Second Generation Occupations.

(1) It has come to our attention that there may be employees currently serving in second generation hybrid positions that appear to be classified in the wrong series. All such instances of incorrect classification should be corrected prior to the initial special boarding of hybrid employees.

(2) Professional standards boards will determine the correct grade levels for employees in their respective occupations as designated by the employee's position of record. The professional standards board will not address whether the work being performed is classified in the correct series.

(3) The implications of the incorrect classification of positions to Title 38 Hybrid occupations are best seen in the following example:

Joe Smith recently earned a Masters Degree in Health Information Systems and works in position that is currently classified as a Medical Records Administrator GS 669-7 (with no further promotion potential). A recent desk audit shows that the work Joe performs is incorrectly classified and should be classified as Medical Records Technician GS-675-7. No action has been taken by the HR Office to fix this classification error. When the Medical Records Administrator PSB reviews Joe's file during the initial special boarding process, they will determine that Joe meets the qualifications of a Medical Records Administrator GS-669-9. As a result, Joe receives a promotion to Medical Records Administrator GS 669-9. Additionally, under the new Title 38 Hybrid promotion policies Joe is now eligible for promotion to GS-11, the full performance level of the Medical Administrator Occupation, when in reality he may only be doing the work of an MRT, GS-675-7. If the classification error had been corrected before Joe received initial special boarding he would not have received a promotion and his promotion potential would be limited to the GS-7, the full performance level of Medical Records Technician GS-675

This is an example of what could happen if a classification error is not corrected before initial special boarding. To help prevent this from occurring, PSB members will be instructed to note when they believe an employee's duties are not in the board's occupation and send the action back to the Human Resources office for evaluation.

(4) We are continuing to advise HR Offices to review the classification of positions in second generation hybrid occupations to ensure that they are correctly classified. If the position is not correctly classified and the correct classification is another hybrid occupation, the position should be reclassified prior to the initial special boarding of the employees serving in those positions.

e. Initial Special Boarding of Employees in Second Generation Occupations.

(1) As a result of PL 108-170, new or revised qualification standards have been issued for all second generation hybrid occupations (except Social Worker and Blind Rehabilitation Specialist). These new qualification standards have not yet been applied to employees in second generation hybrid occupations. As a part of the conversion process, all employees working in second generation hybrid occupations will receive an initial special boarding by the PSB for their occupation. The primary purpose of this initial special boarding is to apply the new qualification standard. Employees may also be considered for a Special Advancement for Achievement for professional achievements they may have accomplished while employed by VA.

(2) Initial special boarding is scheduled to be completed by September 30, 2006, for employees in all second generation hybrid occupations except Social Worker and Blind Rehabilitation Specialist. Any promotions or advancements resulting from the initial special boarding will have an effective date of April 2, 2006, for employees on VA rolls as of that date. The effective date for employees appointed after April 2, 2006, will be the effective date of their appointment.

4. Interim Policy Approval: The guidance and instructions in this HRML are being issued in accordance with the Assistant Secretary for Management (OHR&A – 006) memorandum dated March 17, 2004.

5. Further Questions: The Office of Human Resources Management and VHA will be communicating with local facilities through a number of special issue conference calls. Attachment B is a discussion of common questions and answers addressing common actions expected to occur during the implementation process. Questions concerning the contents of this HRML should be directed to Recruitment and Placement Policy Service via email to StaffingPolicy059/vaco@va.gov, or by telephone to (202) 273-9827 for assignment to a Human Resources Specialist.



Willie L. Hensley

First Generation (Pre-Existing) Hybrid Occupations

Certified Respiratory Therapists, GS-640
Registered Respiratory Therapists, GS-641
Licensed Physical Therapist, GS-633
Licensed Practical or Vocational Nurse, GS-620
Occupational Therapists, GS-631
Pharmacist, GS-660

Second Generation (New) Hybrid Occupations

Audiologist, GS-665
Audiologist/Speech-Language Pathologist, GS-665
Speech-Language Pathologist, GS-665
Biomedical Engineer, GS-858
Dietitian, GS-630
Medical Instrument Technician, GS 649
Medical Record Administrator, GS-669
Medical Record Technician, GS-675
Medical Technologist, GS-644
Dental Assistant, GS-681
Dental Hygienist, GS-682
Nuclear Medicine Technologist, GS-601
Occupational Therapy Assistant, GS-636
Kinesiotherapist, GS-635
Orthotist/Prosthetist, GS-667
Pharmacy Technician, GS-661
Physical Therapy Assistant, GS-636
Prosthetic Representative, GS-672
Psychologist, GS-180
Diagnostic Radiologic Technologist, GS-647
Therapeutic Radiologic Technologist, GS-648
*Social Worker, GS-185
*Blind Rehabilitation Specialist, GS-601

*Employees in these two occupations will be covered by the interim measures of HRML 05-04-02 and HRML 05-05-03 until further notice.

IMPLEMENTATION INSTRUCTIONS: QUESTIONS AND ANSWERS

1. What is initial special boarding?

Initial special boarding is a one time special board action at which time the new qualification standard will be applied to second generation hybrid employees. During this special boarding, employees may also be considered for a Special Advancement for Achievement for professional achievements by may have accomplished while employed by VA.

2. What happens during initial special boarding if a current employee does not meet the requirements in the new qualification standard?

All persons employed in VHA in second generation hybrid occupations on the publication date of the new qualification standard are considered to have met all qualification requirements for the title, series and grade held, including positive education and licensure/certification/registration that are part of the basic requirements of the occupation. For employees who do not meet all the basic requirements in the new qualification standard, but who met the qualifications applicable to the position at the time they were appointed to it, the following provisions apply:

- a. Employees in an occupation that does not require a licensure/certification/registration, may be reassigned, promoted, or demoted within the occupation.
- b. Employees in an occupation that requires a licensure/certification/registration, may be reassigned, promoted up to and including the full performance (journey) level, or demoted within the occupation, but may not be promoted beyond the journey level or placed in supervisory or managerial positions.
- c. Employees in an occupation that requires a licensure/certification/registration only at higher grade levels must meet the licensure/certification/registration requirement before they can be promoted to those higher grade levels.

Employees who are appointed on a temporary basis prior to the effective date of the qualification standard may not have their temporary appointment extended or be reappointed, on a temporary or permanent basis, until they fully meet the basic requirements of the standard.

3. Will employees receive promotions during initial special boarding?

The purpose of initial special board actions is to apply the new qualification standards. The potential outcomes of initial special boarding include:

- a. The board determines that the employee meets the basic qualifications of the occupation and the requirements of their current title, series, and grade of record. The board action states that the employee meets his/her current grade. No change will be made to current title, series, and grade held by the employee.

b. The board determines that the employee does not meet the basic qualifications of the occupation and/or requirements of current grade held by the employee. The board action will state that the employee has been 'grandfathered' into his current title, series, and grade held. No change will be made to current title, series, and grade held by the employee.

c. The board determines that the employee meets the basic qualifications of the occupation and the requirements of a grade that is higher than the current title, series, and grade held by the employee. The board action will state that the employee meets the requirements of a higher grade and recommend promotion. Promotion recommendations will be submitted to the appropriate approving official for approval and processing.

4. What is the effective date of any actions processed as a result of initial special boarding?

Initial special board actions will be processed with an effective date of April 2, 2006, for employees on VA rolls as of that date. The effective date for employees appointed after April 2, 2006, will be the effective date of their appointment.

5. When will facilities stop using the interim procedures in HRMLs 05-04-02 and 05-05-03.

The initial special boarding process for all second generation hybrid employees except Social Work and Blind Rehabilitation Specialist is to be completed by September 30, 2006. The interim procedures in HRMLs 05-04-02 and 05-05-03 will be used until that time. Facilities will begin to use the new policies in VA Handbook 5005/17 on October 1, 2006. Facilities should continue using the information in HRMLs 05-04-02 and 05-05-03 for Social Worker and Blind Rehabilitation Specialist until further notice.

6. Is our facility required to do any local bargaining on the procedures included in this letter?

No. The new promotion policies were subject to the collaboration process at the national level, so local bargaining is not required. However we do suggest that you keep local union official informed of about the implementation process and answer any questions they may have.

7. What information should be sent to the boards for initial special boarding?

Follow instructions provided by VHA on procedures for initial special boarding.

8. Are employees entitled to promotion reconsideration if they do not receive a promotion during initial special boarding?

No. Initial special boarding is solely for the purpose of applying the new qualification standards and to consider recommendations for special advancements for

achievement. An appropriate grade will be recommended for each employee, and that may or may not result in a promotion action. Employees may only request promotion reconsideration during the annual promotion consideration that occurs on their anniversary date of grade or appointment.

9. What action should the PSB take if it discovers that an employee's duties are not within their occupation during initial special boarding?

The board should note its determination that the employee's duties are not within its occupation and return the board action to Human Resources for a classification review.

10. Why are the new promotion and advancement policies not effective immediately for first generation hybrid occupations?

The changes to the promotion policies affect the structure of professional standards boards. VHA program offices and facilities need time to implement changes in their board structure before the new policies can be applied to first generation hybrid occupations.

11. Appendix II-O VA Handbook 5005 changes the organizational location of existing 1st generation hybrid PSBs. Will the first generation hybrid boards retain their current organizational locations until further notice?

Yes. The new policies will apply to all first and second generation Hybrid occupations effective October 1, 2006.

12. When a current member of a first generation hybrid PSB leaves the board for any reason, are you saying we do not have to replace the employee using the procedures outlined in VA Handbook 5005, Part II, Appendix P, including providing the required PSB training or dealing with the local unions?

No. All current board members will be subject to the new policy procedures outlined in Part II, Appendix P, including all training requirements.

13. Are time-in-grade requirements still going to apply to 1st generation hybrids until further notice?

Yes. The new policies will apply to all first and second generation Hybrid occupations effective October 1, 2006.

14. For the 1st generation hybrids, do we follow the SAA criteria in the old policy or the new?

Yes. The new policies will apply to all first and second generation Hybrid occupations effective October 1, 2006.